IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10035 of 2004

Between:

1 A. Uma Maheswara Rao, S/o. of Venkateswara Rao,
R/o. Tadepalligudem, West Godavari District.
2 P. Satyanarayana Murthy, S/o. of Venkatramaiah,
R/o. Tadepalligudem, West Godavari District.
3 G. Ranga Rao, Lakshmaiah,
R/o. Tadepalligudem, West Godavari District.
4 D. Venkatakrishna Rao, S/o. Venkatasubba Rao,
R/o. Tadepalligudem, West Godavari District.
5 P. Venkateswara Rao, S/o. Satyanarayana Murthy,
R/o. Tadepalligudem, West Godavari District.
6. N. Krishnamurthy, s/o. Appala Swamy, aged 52 years.
R/o. Tadepalligudem, West Godavari District.

..... PETITIONER(S)

AND

The Commissioner, Tadepalligudem Municipality,
West Godavari District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction and more particularly one in the nature of Writ of Mandamus, directing the respondent not to demolish the portions of petitioners houses bearing Municipal Door Nos. 5-22-7/1, 12-21-31/11, 5-23-9/2, 2-1-66, 5-23-412, and 3-1-13 situated in K.N. Road, Tadepalligudem, West Godavari District in pursuance of the proceedings Rc.No. G1/608/04 dt. 9-6-2004 and firther directions declaring the action of

the respondent in issuing the Proceedings Rc.No. G1/608/04 dated 9-6-2004 is arbitrary, illegal and contrary to law and is violative of principles of natural justice.

For the Petitioners :MR.V.S.N.SARMA, Advocate

For the Respondent : MR.DANTU.SRINIVAS , Advocate

The Court at the stage of admission made the following ORAL ORDER:

This writ petition is filed by the petitioners aggrieved by the notice issued by the Respondent-Municipality dated 09-06-2004 under which the petitioner was asked to provide set back space of 15' width to avoid unauthorized parking of the vehicles on the road.

2. According to the learned counsel for the petitioners, the impugned notice, in the nature of an order, was issued without giving any show cause notice and opportunity to the petitioners and therefore, sought to quash the same for violation of the principles of natural justice.

3. The learned Standing Counsel for the respondent has fairly conceded that no notice was issued to the petitioner, which is evident from the impugned order itself.

4. Under the above circumstances, the impugned notice is set aside. However, it is open to the respondent-Municipality to issue show cause notice to the petitioner and take appropriate action in accordance with law.

5. The writ petition is allowed accordingly.

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S.Ananda Reddy, J.

Dt. 18.06.2004

Note: Issue operative portion
By wire at party's costs. (bo)

Kvh.

Sd/-
N.D.Ranganadha Swamy,
Special Officer.

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner, Tadepalligudem Municipality, West Godavari District.

2. 2CD copies

Kvh